

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANTHONY STEWART,

Plaintiff(s),

V.

JONAH SCHREINER, et al.,

Defendant(s).

Case No. 2:23-cv-00277-MMD-NJK

ORDER

[Docket Nos. 1, 1-2]

Pending before the Court is Plaintiff's application to proceed *in forma pauperis*. Docket Subject to the conditions outlined below, the Court **GRANTS** the application to proceed *in forma pauperis*.

Plaintiff must pay an initial partial filing fee of the greater of twenty percent of the average monthly deposits or twenty percent of the average monthly balance of his account for the six months immediately preceding the commencement of this action. *See* 28 U.S.C. § 1915(b)(1). Plaintiff's average monthly balance is \$138.98, and his average monthly deposit is \$90.00. Docket No. 1 at 4. Therefore, the Court finds that Plaintiff must pay an initial partial filing fee of \$27.80.¹

Accordingly, IT IS ORDERED:

1. Plaintiff's Application to Proceed *in Forma Pauperis* (Docket No. 1) without having to prepay the full filing fee is **GRANTED**. However, Plaintiff shall be required to pay an initial installment fee in the amount of \$27.80 toward the full filing fee of \$350. Plaintiff shall have the designated fee sent to the Clerk's Office no later than **May 26, 2022**. Failure to do so

¹ The financial certificate incorrectly identifies the partial fee amount of \$48.05, which would be 20% of the current account balance. Pursuant to § 1915(b)(1), the partial fee amount is the greater of twenty percent of the average monthly deposits or twenty percent of the average monthly balance of his account for the six months immediately preceding the commencement of this action.

1 may result in dismissal of this action. Furthermore, even if this action is dismissed, the full filing
2 fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).²

3 2. Plaintiff is permitted to maintain this action to conclusion without the necessity of
4 prepayment of any additional fees or costs or the giving of security therefor. This Order granting
5 *in forma pauperis* status shall not extend to the issuance and/or service of subpoenas at government
6 expense.

7 3. The Clerk's Office shall provide Plaintiff with two copies of this Order. Plaintiff
8 is ordered to make the necessary arrangements to have one copy of this Order attached to the check
9 in the amount of the designated fee.

10 4. The Clerk's Office shall send a copy of this Order to the attention of the inmate
11 accounts department at Southern Desert Correctional Center, P.O. Box 208, Indian Springs,
12 Nevada 89070. Pursuant to 28 U.S.C. § 1915(b)(2), Southern Desert Correctional Center shall
13 forward to the Clerk of the United States District Court, District of Nevada, twenty percent of the
14 preceding month's deposits to Plaintiff's inmate trust account (in the months that the account
15 exceeds \$10.00) until the full \$350 filing fee has been paid for this action.

16 5. The Clerk's Office shall provide a copy of this Order to the Finance Division of the
17 Clerk's Office.

18 6. Plaintiff's motion for counsel, Docket No. 1-2, is **DENIED** without prejudice as
19 premature at this juncture.

20 IT IS SO ORDERED.

21 Dated: February 24, 2023

Nancy J. Koppe
United States Magistrate Judge

27 ² After it has received the partial filing fee as ordered herein, the Court will screen
28 Plaintiff's complaint as required by 28 U.S.C. § 1915. Nothing in this order should be construed
as suggesting that the Court will allow any of Plaintiff's claims to proceed past the screening phase.